

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,

COPYRIGHT INFRINGEMENT LITIGATION

This Document Relates To:

No. 1:23-cv-11195 (SHS) (OTW)

25-md-3143 (SHS) (OTW)

DECLARATION OF JENNIFER B. MAISEL

I, Jennifer B. Maisel, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at Rothwell, Figg, Ernst & Manbeck, P.C., which represents Plaintiffs The New York Times Company (“The Times”) and Daily News, LP et al. (“Daily News”) (collectively, the “News Plaintiffs”) in this case. I submit this declaration on behalf of News Plaintiffs in support of News Plaintiffs’ Supplemental Memorandum of Law Regarding OpenAI’s Deletion of Output Log Data. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify as to these facts under oath.

2. Attached as Exhibit A is a true and correct copy of the transcript of the January 22, 2025 discovery conference before Magistrate Judge Wang.

3. Attached as Exhibit B is a true and correct copy of OpenAI’s October 30, 2023 submission to the United States Copyright Office in response to the Copyright Office’s August 30, 2023 Notice of Inquiry and Request for Comment, available at <https://www.regulations.gov/comment/COLC-2023-0006-8906>.

4. Attached as Exhibit C is a true and correct copy of the United States Copyright Office’s May 9, 2025 pre-publication report titled “Copyright and Artificial Intelligence Part 3:

Generative AI Training,” available at <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>.

5. Attached as Exhibit D is a true and correct copy of the transcript of the May 1, 2025 motion for summary judgment hearing in *Kadrey et al. v. Meta Platforms, Inc.*, Case No. 23-03417 VC (N.D. Cal.).

6. Attached as Exhibit E is a true and correct copy of a February 5, 2025 letter that I sent on behalf of News Plaintiffs to counsel for OpenAI.

7. Attached as Exhibit F is a true and correct copy of the transcript of the January 29, 2025 deposition of Michael Trinh, OpenAI’s associate general counsel for litigation and discovery.

8. Attached as Exhibit G is a true and correct copy of an April 11, 2025 letter that I sent on behalf of News Plaintiffs to counsel for OpenAI.

9. Attached as Exhibit H is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0841405-OPCO_NEWS_0841411.

10. Attached as Exhibit I is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0776108-OPCO_NEWS_0776109.

11. Attached as Exhibit J is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_00778701-OPCO_NEWS_0778704.

12. Attached as Exhibit K is a true and correct copy of a document produced by OpenAI bearing bates number OPCO_NEWS_0774042.

13. Attached as Exhibit L is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0813199-OPCO_NEWS_0813202.

14. Attached as Exhibit M is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0838839-OPCO_NEWS_0838840.

15. Attached as Exhibit N is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0998879-OPCO_NEWS_0998890.

16. Attached as Exhibit O is a true and correct copy of a document produced by OpenAI bearing bates number OPCO_NEWS_0840898.

17. Attached as Exhibit P is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0820868-OPCO_NEWS_0820869.

18. Attached as Exhibit Q is a true and correct copy of a March 19, 2025, letter Elana Nightingale Dawson sent on behalf of OpenAI to me.

19. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2025

/s/ Jennifer Maisel
Jennifer B. Maisel